Chief Justice Fuller, Who Wrote the Opinion Says That When an Allen Avows Himself an Anarchist, as Turner Did, He Must Accept the Definition.

WASHINGTON, May 16 .- In an opinion to day by Chief Justice Fuller the United States Supreme Court sustained the action of the immigration authorities at the port New York in ordering the deportation of the Englishman Turner, alleged to be an

The Chief Justice said in his opinion that Turner did not himself deny that he is an Anarchist.

The opinion upholds the law for the exclusion of Anarchists and affirms the decision of the Circuit Court for the Southern District of New York, which refused writ of habeas corpus to Turner.

The principal point raised by Turner was that the immigrant act was in contravention of the Constitution because it denied him trial by jury and was an infringement of the right of free speech. Those privueges, said the court, did not apply to aliens and could not be invoked by Turner.

As to the other ground, Chief Justices

Fuller said that Congress had undoubted power to prescribe the conditions under which aliens should enter the United States er who should be excluded or deported, and could properly delegate that power to an executive department.

The testimony showed that Turner fell within the prescribed class of Anarchists and there was no differentiation between those who advocate the peaceable abolition of all government and those who advocated

The Chief Justice quoted the definition of anarchy as laid down by standard dic-tionaries and by Huxley, and the language of the act which excluded "anarchists," as persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government or of all forms of law, or the sination of public officials," and said that when an alien arrived in the United States who avowed himself an Anarchist. Turner had, he accepted the definition. Even if Turner only regarded the absence of government as a political idea, yet when he sought to atta u it by advocating, not simply for the benefit of workingmen who were justly en "led to repel the charge of desiring the destruction of law and order, but "at any rate as an anarchist," the universal strike to which he referred, and by discourses on what he called "the legal murder of 1887," and by addressing mass meetings on that subject in association with Most, "we cannot," said the Chief Justice, "say that the inference was unjustifiable, either that he contemplated the ultimate realization of his ideal by the use of force or that his speeches were indicatements to that end.

the ultimate realization of his ideal by the use of force or that his speeches were incitements to that end.

"If the word 'anarchist' should be interpreted as including aliens whose anarchistic views are professed as those of political philosophers innocent of evil intent," said the Chief Justice, "it would follow that Congress was of opinion that the tendency of the general exploitation of such views is so d ngerous to the public weal that aliens who hold and advocate them would be undesirable additions to our population, whether permanently or temporarily, whether many or few, and, in the light of previous decisions, the act, even in "his aspect, would not be unconstitutional or as applicable to any alien who is opposed to all organized government."

The court, however, was not to be understood as deprecating the actual importance of freedom of speech and of the press, or suggesting fuffic limitations on the spirit of liberty, in itself unconquerable, but the Turner case did not involve those considerations. "The flaming brand which guards the realm," says the Chief Justice, "where no human government is needed, still bars 'the entrance, and as long as human governments endure they cannot be denied the power of self-preservation as that question is presented here."

power of self-preservation as that question is presented here."

human government is needed, still bars the entrance, and as long as human governments endure they cannot be denied the power of self-preservation as that question is presented here."

Justice Brewer, in an individual opinion, indored and accentuated the court's conclusion that, notwithstanding the legislation by Congress, the courts might and must, when celled upon, inquire by habeas corpus as to the right of any individual restrained of his personal liberty to be discharged from such restraint. He did not believe it within the power of Congress to give to ministerial officers a final adjucication of the right to liberty and to oust the courts from the duty of inquiry respecting both law and facts. He agreed to the proposition that the United States as a nation had all the powers which inhere he siny nation, but did not agree that Congress was authorized in all things to speak for the nation, and he thought too little effect had been given to Article X. of the Constitution, and the thought too little effect had been given to Article X. of the Constitution nor prohibited by it to the States, are reserved to the States respectively or to the people." The powers the people had given to the general Government were named in the Constitution, and all not there named, either expressly or by implication, were reserved to the people and could be exercised only by them.

Turner was arrested last October after he had delivered a speech in New York. He was confined in a steel cage on Ellis Island until Feb. 29, when the Supreme Court took under consideration his appeal from the refusal of Judge Lacombe to grant his application for habeas corpus, and he was then released on \$5.000 bail. He was present in the Supreme Court when the case was argued, some six weeks ago, but has since returned to England.

The court dismissed for want of jurisdiction, has refused in the country as a lunatio. Holsendorf was of German birth, but a naturalized citizen of the United States, and on his return to the old country was locked up for som

claimed. Justices Brewer and Brown dissented.

In the suit brought by Ribas y Hijo, a spanish captain, against the United States for \$10,000 for use of his vessel, the Paz, which was captured in the harbor of Ponce during the Spanish war and used by the Quartermaster-General in the transportation of supplies for nearly a year after the war, the court held that he was not only entitled to no damages, but in effect that he was lucky to get his vessel back. The Paz was a prize of war, the court said, but even without passing upon that, the treaty of peace cancelled all claims by citizens of each country against the other.

Hippiloyte Filhiol, who has twice before brought to the Supreme Court his suits for possession of the ground on which Hot Springs, Ark., is built, was again defeated to-day, the court affirming the action of the lower courts in dismissing his case for want of jurisdiction. Filhiol bases his claim to the land on a Spanish grant antedating the acquisition by the United States of the Louisiana Purchase.

The dispute between Colorado and Kansas over the right to use the waters of the Avianasa River for irrigation purposes

The dispute between Colorado and Kanass over the right to use the waters of the Arkanasa River for irrigation purposes and in which the Government is also a party, was referred to a commission for the purpose of taking testimony. Granville A. Richardson of New Mexico was agreed upon by all parties to the suit, after the court had refused the plea of the numerous water companies involved that the suit be dismissed.

Viding for the ringing of a curriew bell at yolding for the ringing of a curriew part of the ringing for the ringing of a curriew part of the ringing for the ringing

EVANS ENTERTAINS ROYALTY. Receives Italy's King on Board the Bat-

tleship Kentucky and Dines at the Palace. WASHINGTON, May 16.—Rear Admiral Robley D. Evans, friend and companion of Emperor William, has again been hobnobbing with royalty, and an official report telling all about it, which the Navy Department received from him to-day, shows that he had a good time. It happened at Naples. The Admiral, who is on his way home from the Asiatic station in the battleship Kentucky, reached the Italian port on April 29, and found that President Loubet of France and King Victor Emmanuel of Italy were there. When the two chiefs of State came out to inspect the French and Italian fleets the Kentucky "dressed ship" with the French and Italian colors and fired the customary salutes, and the next day, after President Loubet had gone, Admiral Evans was noti-fied that King Victor Emmanuel would visit the Kentucky.

The Kentucky.

The Kentucky was coaling at the time he got word of the King's coming and was a grimy sight to behold. But everything went off all right. "His Majesty, accompanied by the Minister of Marine and several attendant officers," said the Admiral in his report, "came on board about 11:00 o'clock in the morning, and expressed his desire to be shown over the ship. I escorted him through the vessel, in which he showed great interest and expressed himself as much pleased. He spent about an hour on board, and upon his departure complimented the Kentucky very highly."

The King returned Admiral Evans's courtesy promptly. But let the Admiral tell the story:

"Yesterday an invitation was received for myself and chief of staff to dine with their Majesties the King and Queen, at the royal palace in this city. The dinner was a very pleasant affair and their Majesties were extremely cordial and attentive. A good deal of interest was shown in the Kentucky and our navy generally, for which the King appeared to have a great admiration, and also the same for the American people."

In concluding his report Admiral Evans said he expected to reach New York about May 31. The Kentucky was coaling at the time

HONOR TO M. LEROY-BEAULIEU. Prominent Hebrews Entertain the Foe of

M. Anatole Leroy-Beaulieu was guest of honor last evening at a dinner given at Delmonico's by some fifty of the most prominent Hebrews of the city as a testimonial of appreciation of the vigorous war he has waged with his pen against anti-Semitism in France and of his scholarly defence of the Jewish character and racial traditions.

Oscar S. Straus presided, with M. Leroy-Beaulieu on his right and the Rev. Samuel Schulman on his left. Others present were: Prof. Solomon Schechter of the Jewish theological seminary, Supreme Court Juztice Leventritt, Joseph Jacobs and Nathan Bijur. All of these made speeches in response to calls from Chairman Straus.

Mr. Bijur's proved to be the presentation speech of a handsome silver loving cup to M. Leroy-Eeaulieu as an expression of the esteem feit for him by his frands in America.

Mr. Straus in opening the speechmaking

we pay fur homage of affection and esteem to you, fur honored guest, not only because you have with a noble soul and with an eloquer pen exposed the wrongs and injustices that are fostered by religious antagonisms and social hatred, not only because your life has been devoted to the valiant championship of truth and justice, "free from every trammel and independent of every school," but also for your unswerving devotion amid the errors and passions of your times to our American principles of "fe. We honor you because we—"Honor the man who is ready to sink Half his present repute for the freedom to think, and when he has thought, be his cause strong or

weak, Will risk t'other haif for the freedom to speak, Caring naught what vengeance the mob has in Let the mob be the upper ten thousand or lower."

Mr. Leroy Beaulieu, in his response congratlated the Hebrews of this country in the great development of their race on a soil where its great powers had free room for expansion untrammelled by persecution and oppression. He dwelt at length on the vast things accomplished by the Hebrews here in New York in educational and charitable work.

HOW MUCH FOR S. I. FERRY?

Featherson Says \$1,106,000; McLean, 8800,000—Grout and McCall Clash. The Sinking Fund Commission had before it yesterday a communication from Commissioner Featherson recommending that the city pay, \$1,106,000 for the Staten Island Ferry plant, the St. George terminal property and the ferry boats Robert Garrett and Castleton. Engineer McLean of the Finance Department presented a report that \$890,000 would cover it. Mr. Grout suggested that a committee ought to be appointed to examine the two reports.

"I don't believe in appointing any such

committee," Alderman McCall interrupted. This matter has been before the commission for several months, and it is time some-thing was done. I move that the Com-missioner's report be adopted."

Mr. Grout said he would oppose such a proceeding, whereupon Mr. McCall ex-

claimed.

"That's all right. You and I fought this matter out in the old commission. You've got your ideas and I've got mine. I am in favor of giving Staten Island rapid transit and I'm getting tired of seeing the thing held up."

Ultimately the Comptroller had his way and the matter was referred to a committee consisting of himself. City Chamberlain Keenan and Mr. McCall.

MRS. LEDERER'S PLEA HEEDED. Husband's Detective Who Entered Her

Room at Dead of Night Released. MINEOLA, L. I., May 16 .- Arthur E. Wilson, 37 years old, of 1888 Bergen street, Brooklyn, a private detective, who was indicted by the Grand Jury for three misdemeanors, two for assault and the other

demeanors, two for assault and the other for unlawfully entering a house, was released under a suspended sentence by County Judge Seabury at the Nassau county court house on a plea for clemency made by Mrs. George W. Lederer, wife of the prominent theatrical man of Manhattan, who had him arrested.

Wilson was employed by George Lederer some two years ago to look for evidence for divorce proceedings. Mrs. Lederer, with her little child, was boarding with a family by the name of Knevals at Baldwin, L. I. One night shortly after midnight the proprietor of the house and Mrs. Lederer were awakened by some person in the house. When Wilson was discovered he pointed a revolver at the two.

Counsellor Stoddart for Wilson made a strong plea for mercy, and said that Wilson

counsellor Stondart for wison made a strong plea for mercy, and said that Wilson was now a physical wreck. Mrs. Lederer just before the case was brought up was taken ill and she was taken to the hotel. It was from there she sent her plea to the

CURFEW TO RING IN HOBOKEN.

An Effort Will Be Made to Keep Young Girls Off the Streets at Night. Members of the Common Council in Hoboken are seriously considering the advisability of adopting an ordinance providing for the ringing of a curfew bell at

POMMERY

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QUALITY

The World Over

WHETHER UPON VACATION VOYAGES OR AT SOCIAL DINNERS OR FETES, NO CHAMPAGNE IS COMPARA-

SHIPBOARD JEWEL THEFTS. Mrs. Raven of Lendon the Latest Victim

-Robbed on the Minneapolis. Mrs. F. Raven of London, England, who is on her way to Mexico with friends, arrived yesterday aboard the Atlantic Transport liner Minneapolis without enough ready money to supply her immediate needs, and with none of the jewelry, mostly heirlooms, which she had when she boarded the ship at London.

When Mrs. Raven went to sleep on Sunday night in her stateroom, of which she was the only occupant, she had her jewelry, was the only occupant, she had ner jeweiry, consisting chiefly of several diamond rings and three gold bracelets, in a satchel near her. Her purse, containing about \$250, and the keys to her trunks also were in the satchel. She says she was told by the stewardess that it would not be necessary to lock her door, and that she did not lock it. She did not deposit her valuables with the purser because of a rule which makes the line not responsible in case of loss.

When she woke up yesterday morning

When she woke up yesterday morning her jewelry and purse were gone from the satchel. She complained to the purser, and a fruitless search was made.

After the liner docked the police were notified, and detectives are trying to find the thief, who, they say, doubtless entered Mrs. Raven's room while she was asleep. As her keys were gone, Mrs. Raven could not open her trunks and the customs inspectors forced the locks. Mrs. Raven did not wait to learn the result of the efforts of the police to find her money and jewelry, but went on her way with friends. She was much distressed over her loss because of memories connected with most of the jewelry, the intrinsic value of which she said she was unable to tell.

On Oct. 27 Mrs. Frances M. Barnes, a passenger by the Atlantic Transport liner Minnetonka, bound from London for this port, reported that she had been robbed of jewelry valued at about \$7,000. The property was not recovered.

jewelry valued at about \$7,000. The property was not recovered.

According to a despatch from Paris, published last Friday, Mrs. Gay, an American who arrived at Cherbourg on May 9, reported that she had missed from her baggage, after she got to Paris, a valise containing \$20,000 worth of jewels. It was not said whether they were lost on shipboard or on the way between Havre and Paris.

MAGISTRATE VEXES M'ADOO. But Tighe's Action Won't Call Off the

Manhattan Cops From Breeklyn. Police Commissioner McAdoo had something to say yesterday about his efforts to keep disorderly women off the streets in Brooklyn and how little cooperation he is getting from Magistrate Tighe. The Appellate Division of the Supreme Court is now reviewing charges made against Magistrate Tighe in policy cases.

The Commissioner had received com-plaints that there were a number of street walkers in Brooklyn and he sent a batch of Manhattan cops across the Bridge to

of Manhattan cops across the Bridge to make arrests. Four women were arraigned before Magistrate Tighe on Saturday and discharged. The arrests were made by two Manhattan policemen.

According to the report made to the Commissioner, the Magistrate told the policemen that there were enough policemen in Brooklyn without sending them over from Marhattan. He wanted to know if the policemen were "out fishing" and then let the women go.

policemen were "out fishing" and then let the women go.

"I devote more hard work to Brooklyn," said the Commissioner, "than to any other borough and I think the people-over there should know what is going on. I feel that I stand pledged that the best conditions should prevail there. I sent the plain clothes men to Brooklyn to stop the evil and prevent its growth, and I think that Magistrate Tighe's conduct was very injudicial and extraordinary for a Magistrate."

The Commissioner added that he supposed Magistrate Tighe looked upon the action of the Manhattan police as an invasion of the home rule principle. He said, however, that he didn't intend to let anything Magistrate Tighe said interfere with the work of the police.

MUSIC UNIONISTS MEET. Dead Against Playing With Non-Unions

-May Bar Army Bandsmen. Two hundred delegates from all parts of the United States and Canada attended the ninth annual convention of the American Federation of Musicians, which began yesterday at the Amsterdam Opera House, in West Forty-fourth street. Among the delegates are four colored men, from Chicago, New Orleans, Savannah and Buxton, Ia.,

representing locals of colored men. The delegates marched from the Hotel Cadillac to the meeting place headed by a band, which, by request, played "Uncle Sammy's March," the official march of the

Sammy's March, by request, played "Uncase Sammy's March," the official march of the Federation. Afterward President Joseph Weber of Cincinnati called the convention to order and an address of welcome was made by Frank Morrison, secretary of the American Federation of Labor, who repeated an oft expressed warning against the open shop movement.

"I maintain," said President Weber in his address, "and I am sure that it will be decreed by this convention, that no member of this body should be allowed to participate in engagements in the jurisdiction of nonunion members unless under permits occasioned by peculiar circumstances."

The music bureau of the St. Louis exposition had recognized the union, he said.
The report of the secretary, Owen F. Miller, showed that the Federation gained 7,500 members last year and now has a total membership of more than \$4,000. Among the resolutions to be voted on will be one debarring from membership all enlisted members of the army and navy. This is aimed at military and naval bands.

"SLIDE FOR LIFE" MAY BE FATAL 'Dreamland' Acrebat Seriously Injured at End of Side Down Steep Wire. Joseph P. Howard, one of the acrobats at "Dreamland," Coney Island, was seri-ously injured last night while sliding, suspended by his teeth, down a wire stretched from the top of the tower to the "shoot the-chutes."

It was Howard's first appearance in the park. The wire was stretched at a steeper angle than usual, and he came down the incline at terrific speed. As he heared the landing platform his body was swinging from side to side, and he could not control his course.

his course.

He struck a post on the platform and fell senseless. His right leg was broken and blood was flowing from his mouth. He was taken to the emergency hospital in a seri-

SCHOOLBOY GOLF TOURNAMENT Opening Rounds at the Nassau Country Club.

Tournament golf on nearby links was ushered in for the season yesterday by the fifth interscholastic championship at the Nassau Country Club. Coming in examination time at many of the schools, instead of in the Easter holidays as usual, the entry was smaller than last year. In the match play Travers, who was on his home course, made a 74, a new record for a member of Nassau and one that has been beaten only by Walter J. Travis, who holds the amateur record at 71, and who made a 73 in the first round of the amateur championship final with Byers last fall. The next best score in that event was 75, made by H. B. McFarland, and as the championship tees were used yesterday the comparisons show the value of the schoolboy's performance. Travers's record card was':

Partridge, who was in the South for his health last winter and who built up a very neath last winter and who built up a very strong game at the same time, led Travers by two strokes for the gold medal in the qualifying round, 80 to 82, and his prowess was a great aid to St. Paul's in the team championship. Lawrenceville, the holders, were second to the Garden City boys in the team event, with the Brooklyn Polytechnic representatives the only other competitors.

As Partridge was out of school the greater part of the term, the question as to whether he should play or not for the St. Paul feam was left to the schoolboy committee. The boys voted very promptly that they wanted

boys voted very promptly that they wanted him to play.

The course was in splendid turf, and all of the competitors were loud in their praise of the links. Fred Herreshoff of Hill School, Pottstown, Pa., who had been regarded as a dangerous factor, was unable to come on. The boys who won the honors last year were also absentees. H. de P. Wright, the gold medal winner; Batchelder, the title holder, who is abroad, and Paul Murphy, runner-up, who is out of school and at his home in Arizona. There were twenty-one cards returned in the qualifying round, Kirkby and Crossman tying for the last place at 104. They had to go five holes in settling the tie, Kirkby lasting the longer. The summary of the day's play:

Qualifying Round for Champlonship—Dwighs

day's play:

Qualifying Round for Championship—Dwight
Partridge, St. Paul's, 41, 39-80; J. D. Tyravers, Dr
Collison's, 39, 43-82; C. E. Rotan, Lawrenceville,
48, 42-85; J. E. Knowles, St. Paul's, 45, 42-87; S.
Graham, Lawrenceville, 44, 44-88; Harold G. Hartwell, St. Paul's, 45, 43-89; R. Peters, Jr. Lawrenceville, 46, 45-30; Harold Wilcox, St. Paul's, 44, 4620; Jefferson W. Coe, St. Paul's, 45, 45-91; F. Van
Dyke, Lawrenceville, 49, 45-94; J. D. Bowman,
St. Paul's, 49, 46-95; Norman Towne, Lawrenceville, 52, 45-100; C. A. Dunning, Adelphi, 53, 45-101;
F. L. Carter, St. Paul's, 56, 47-108; W. H. Dunn,
Polytechnic, 51, 52-103; O. Kirkby, Trinity, 55,
49-104; G. Grossman, St. Paul's, 43, 51-104; H. R.
Hardle, Polytechnic, 52, 53-105; B. C. Dunn, Polytechnic, 56, 49-106; N. C. Mallouf, St. Paul's, 53,
58-111; W. D. Owens, Polytechnic, 53, 58-11.

St. Paul's—Partridge, 85; Knowles, 87; Hartwell, 88; Wilcox, 80. Total, 850.

Lawrenceville—Rotan, 88; Graham, 88; Peters, 80; Van Dyke, 84. Total, 857.

Polytechnic—W. H. Dunn, 103; Hardle, 108; B. C. Dunn, 105; Owens, 111. Total, 424.

Individual Championship, First Round—Towne beat Coc. by 2 up; Partridge beat Dunning, by 7 up and 8 to play; Travis beat W. H. Dunn, by 10 up and 7 to play; Hartwell beat Rotan by up; Wilcox, 100 play; Hartwell beat Rotan by up; the divided by the willoox beat Carter, by 8 up and 2 to play: Peters beat Graham, by 1 up; Knowles beat Kirkley, by 8 up and 8 to play. The second and semi-final round will be played to-day, winners meeting in the order named above.

INTERNATIONAL CHESS. Marshall Leads Tournament Players After Thirteen Rounds.

CAMBRIDGE SPRINGS, Pa., May 16 .- When play in the thirteenth round of the inter-national chess tournament was concluded this evening, at the Rotel Rider in this city, Marshall was still ahead. The positions of the next two men did not alter, because both the next two men did not alter, because both Lasker and Janowski won their respective games. Marco is still a good fourth. The results of the thirteenth round:

Tetchmann and Lawrence divided honors in a Ruy Lopez after 3 moves.

Hodges lost to Lasker in a queen's gambit declined after 33 moves. Showalter disposed of Mieses in a queen's pawn opening after 47 moves.

Janowski defeated Barry in a queen's gambit declined after 44 moves.

Delmar fell an easy victim to Filiabury, in a Petroff defence after 51 moves.

Marco and Marshall drew a Ruy Lopes after 28 moves. Marco and Marshall drew a Ruy Lopes after 28 moves.

Napier worsted Fox in a queen's gambit declined after 32 moves.

Schlechter went down before Tschigerin in a Ruy Lopes after 29 moves.

It was decided to dispose to-morrow of the adjourned Marshall vs. Janowski game, and start play in the semi-final round on Wedneeday. The final round, unless there should be some adjourned games in the semi-final, will be played on Thursday, The records to date follow:

Players. Won. Lost. Players. Won. Lost. Marshall. 104 114 Schlechter. 6 7
Janowski 10 2 Teichmann 6 7

POLO.

Rockaway Beats Westchester in First Game for Hempstead Cups. Rockaway and Westchester played the first

ROCKAWAY and westenesses played the lines pole game yesterday in the annual tournament of the Meadow Brook Club near Westbury, L. I., for the Hempstead cups. The Rockaway team by faster riding and more accurate hitting won on a close victory by the score of 5% goals to 4.

Rockaway W. A. Hazard, 3: R. La Montagne. Rocksway - W. A. Hazard, 3; R. La Montagne, 5; Daniel Chauncey, Jr., 4; B. F. Savage, 8 Rocksway. A. Haller, Jr., 4; B. F. Savage, E. Total, 15.
Total, 15.
Westchaster—E. S. Reynal, 2; J. C. Cooley, 5; R. J. Colller, 4; J. I. Blair, 3. Total, 15.
Goals, for Rocksway, Chauncey, 5; Hasard, 1.
Lost 14 for asfety. Net score, 194. Goals for Westchester, Reynal, 2; Cooley, 2. Total, 4. Oliver W. Bird, referee.

CRYSTAL

Domino

SUGAR

THE LIPTON CORRESPONDENCE

NEW YORK YACHT CLUB EX-PLAINS THE DEED OF GIFT.

Mutual Agreement Clause Would Allow Challenge to Be Accepted for Cup Un-der New Rules-Will Answer Baronet's Proposals When Challenge Is Beceived.

The committee of the New York Yacht Club on Cup challenge has issued its re-port of the last races for the America's Cup, and tacked on to the end the letters that have recently passed between Sir Thomas Liption and the club regarding

The first letter, dated London, Dec. 12, 1903, was from Sir Thomas to the secretary of the New York Yacht Club. It is as

With reference to the conditions governing races for the America's Cup, I should feel obliged if you would kindly inform me whether in respect to future contests it is the intention the club to adhere to the original rules as regards measurement, or whether it would be disposed to consider a challenge under the new rule of measurement recently adopted

My reason for writing you now is that in my opinion the decision of the club on this matter must have a very important bearing on future challenges

The letter was read at the annual meeting of the club and referred to a special committee, of which Commodore Bourne, Vice-Commodore Walters, ex-Commodor Ledyard, George A. Cormack and W. B. Duncan, Jr., were members. This committee sent the following reply, dated

Upon receiving your letter of Dec. 12, I informed you that it would be laid before the club at its next meeting. This did not take place until February, when a committee was appointed to whom the matter was referred. As the yacht club has no board of governors, this is the usual course in such matters.

take place until February, when a committee was referred. As the yacht club has no board of governors, this is the usual course in such matters.

On account of the absence of some of the members of this committee, it was unable to meet until the present week, and thus some delay has occurred, which we regret, but it has been unavoidable.

I am now instructed to answer your letter as follows:

You ask to be informed whether "in respect to future contests it is the intention of the New York Yacht Club to adhere to the original rules as regards measurement, or whether it would be disposed to consider a challenge under the new rule of measurement recently adopted by the club."

In a letter written you by Commodore Ledyard, under date of July 8, 1902, for transmission to the koyal Ulster Yacht Club, the right of a challenging club to sail a match for the America's Cup without regard to measurement or time allowance and the inability of the club holding the Cup to do as act or to impose any conditions which might in any respect impair this right were explained at length. The following is taken from that letter:

"As I had occasion to explain to you when the question of towing arose in connection with the challenge of Shampock I., the deed of gift prescribes not conditions respecting the kind of vessel which may compete, except (a) that she shall be placed on centreboards, and, lastly, that she shall proceed under sail, on her own bottom, to the port of contest. This last condition imports all that the framers deemed wise to insert by way of limitation upon the type of vessel, viz.: her actual and demonstrated ability to make the passage under sail.

"As to measurement, the deed makes no provision whatever." That is left to be dealt with under the mutual agreement clause. The two clubs may agree upon any system of measurement they please. If they fail to agree, the terms of the match are presarbed by the deed—best two out of three races on ocan courses as described, subject to the rules and sailing regulations of the to impose any restriction or any hindrance upon the challenging yacht beyond those above enumerated as specified in the deed. The enumeration of these qualifications by the deed excludes the idea that the challenged club could in any way vary from or add to them. Any yacht properly challenging through a qualified club, of a waterline length with in the limits specified; complying with the deed as to notice and certificate, and proceeding under sail on her own bottom to the port of contest, is entitled to sail for the Cup, on the courses designated, best two out of three, boat for boat, without time allowance, and without any other or additional restrictions being imposed upon her. She must sail, it is true under the rules and sailing regulations of these would plainly conflict with the deed, if they operated to impose any other limit, condition or penalty upon type, model, sail are or other factor going to the qualification of the challenger.

This will make it plain to you that what you refer to in your question as "original rules" in respect to measurement, by which I understand you to mean the rules under which the matches with the three Shamrocks have been sailed, were rules which applied to these contests, not because they happened to be at the time the measurement rules of the New York Yacht Club, but because the mutual agreement between the two clubs provided, in each instance, that the match should be sailed under these particular rules.

The normal match provided for by the deed of gift is one to be sailed without time allowance, and therefore without regard to any rule or system of measurement is to determine the amount of time allowance.

Any other match must be the product of an agreement between the two clubs, and therefore a rule of measurement for purposes of time allowance can become a factor in the match only by virtue of such special agreement.

The question you raise is doubtless an important one, but you will see that it really amounts to asking the club wind the subject can be added to the





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NEW YORK INSTITUTE, 133 West 45th. EXECUTIVE OFFICE. . 170 BROADWAY:

The OPPENHEIMER TREATMENT is indorsed by the most

progressive physicians, clergy and ethical minds of the world.

Sir Thomas acknowled ed this as follows: I have received your letter of the 14th inst., for which I am obliged, and the contents I have very carefully noted. I am leaving to-morrow for abroad, and will be away for some little time, but on my return will give the matter under consideration my attention.

LAWN TENNIS.

Wylle C. Grant Beats Theodore R. Pell in New York L. T. Club Tournament. On the club courts, 123d street and Manhattan avenue, the members' tournament of the New York Lawn Tennis Club was continued yesterday afternoon. In the men's singles Wylie C. Grant, the indoor champion. advanced to the semi-final round. He scored advanced to the semi-final round. He scored two wins, one of which was by default. His one match played was the feature of the afternoon, Theodore R. Pell, his opponent, forcing matters to three hard fought sets. Play at the opening was quite even, deuce games alternating a number of times. Grant's long reach was a decided help and enabled him to return some difficult drives. At 7 all Pell weakened a trifle and Grant ran out the set at 9-7.

On the second set Grant played poorly getting but two games in all. Pell was all over the court and placed with telling effect. A sharp rally gave the odd set to Grant, with points to spare. At the close the indoor champion was easily the better man. Grant will

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meet the winner of the Cobb-Warner match for a place on the finals.

One match was played in the men's scratch doubles, H. W. Warner and Theodore R. Pell defeating Louis J. Grant and E. F. Leo in straight sets. This afternoon a start will be made in the women's singles.

Men's Scratch Singles—Preliminary round—L. H. Men's Scratch Singles—Preliminary round—L. II. Hill defeated Robert Berkley, 6—4, 8—6. First Round—Robert T. Bryan defeated L. H



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